

PP  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

U.S. DISTRICT COURT  
EASTERN DISTRICT - WI  
FILED

WILLIAM FEEHAN,  
And DERRICK VAN ORDEN,

2020 DEC -3 A 11: 16

Plaintiff

CLERK OF COURT

Case No. 20-cv-1771

v.

Wisconsin Elections Commission, *et al.*,

Defendants

---

**JAMES GESBECK'S MOTION TO INTERVENE**

---

I, James Gesbeck, a citizen of the state of Wisconsin am seeking to participate as an intervening defendant in the above-captioned lawsuit pursuant to Federal Rule of Civil Procedure 24. I have a right under Rule 24(a)(2) to intervene for the reasons outlined in the attached memorandum. In the alternative, I seek permissive intervention pursuant to Rule 24(b).

I am a licensed attorney in the State of Wisconsin; however, I am not admitted to practice before the Eastern District Court of Wisconsin. As a result, I am appearing as a pro se party under General Local Rule 83(b) and pursuant to the limitations of General Local Rule 83(e) as I am a natural person. As I am not admitted to practice before the Eastern District Court of Wisconsin, I am filing via paper under General Local Rule 5(a)(2).

I respectfully request an expedited briefing schedule and decision regarding this motion. This request is being made to allow me the opportunity to protect my interests which are directly impacted by this litigation. This is particularly important as the plaintiffs are seeking "emergency injunctive relief"<sup>1</sup>. However, as the court noted in its Order Regarding Amended Motion for

---

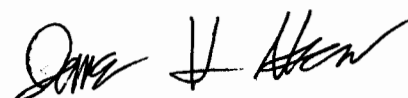
<sup>1</sup> See Dkt. No. 1 titled "Complaint for declaratory, emergency, and permanent injunctive relief" and Dkt. No. 2 titled "Plaintiff's motion for declaratory, emergency and permanent injunctive relief."

Injunctive Relief, while using the word “emergency” neither the motion nor proposed order request the court to move more quickly and explain the basis for such a request.<sup>2</sup>

Therefore, I request that the Court grant me permission to intervene in the above-captioned matter. Further I request that the Court authorize me to file via ECF<sup>3</sup>.

Dated: December 2<sup>nd</sup>, 2020

Respectfully submitted,



James Gesbeck (SBN #1079800)  
608 335-2569

James@Gesbeck.Com  
9302 Harvest Moon Lane  
Verona, WI 53593

N.B.: Not admitted to practice before the United States District Court for the Eastern District of Wisconsin

---

<sup>2</sup> See Dkt. No. 6 “Order Regarding Amended Motion for Injunctive Relief (Dkt. No. 6).

<sup>3</sup> See <https://www.wied.uscourts.gov/e-filing/ecf-policies-and-procedures> I.A.1

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

U.S. DISTRICT COURT  
EASTERN DISTRICT - WI  
FILED

WILLIAM FEEHAN,  
And DERRICK VAN ORDEN,

2020 DEC -3 A 11: 16

Plaintiff

Case No. 20-cv-1771

v.

CLERK OF COURT

Wisconsin Elections Commission, *et al.*,

Defendants

---

**INTERVENOR-DEFENDANT'S PROPOSED ANSWER TO COMPLAINT FOR  
DECLARATORY, EMERGENCY AND PERMANENT INJUNCTIVE RELIEF.**

---

Intervenor-Defendant James Gesbeck answers the Plaintiff's complaint as set forth  
below.

**NATURE OF THE ACTION**

1. Paragraph 1 contains characterizations, legal contentions, and opinions to which no response is required.
2. Paragraph 2 contains characterizations, legal contentions, and opinions to which no response is required.
3. Paragraph 3 contains characterizations, legal contentions, and opinions to which no response is required.
4. Paragraph 4 contains characterizations, legal contentions, and opinions to which no response is required.

**DOMINION VOTING SYSTEMS FRAUD AND MANIPULATION**

5. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 5.
6. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 6.
7. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 7.
8. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 8.
9. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 9.
10. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 10.
11. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 11.
12. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 12.
13. Upon information and belief, the WEC did issue guidance to municipal clerks as described. However, I disagree with the legal conclusion that such guidance was in violation of Wisconsin Statutes.
14. Upon reading the complaint, it does contain expert witness testimony as described, however I lack sufficient knowledge or information to form a belief as to the truth of the statements contained in that testimony.

15. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 15.
16. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 16. I further deny that the allegations, even if accepted as true, provide the court with grounds or even the ability to provide the relief requested.

### **JURISIDCTION AND VENUE**

17. I deny that Federal Courts have jurisdiction to the extent this relates to the administration of elections as that authority was granted to State legislators via the U.S. Constitution as asserted in Paragraph 17 due to the Constitution delegating those rights to individual States.
18. I deny that Federal Courts have jurisdiction to the extent this relates to the administration of elections as that authority was granted to State legislators via the U.S. Constitution as asserted in Paragraph 18 due to the Constitution delegating those rights to individual States.
19. I deny that Federal Courts have jurisdiction to the extent this relates to the administration of elections as that authority was granted to State legislators via the U.S. Constitution as asserted in Paragraph 19 due to the Constitution delegating those rights to individual States.
20. I deny that Federal Courts have jurisdiction to the extent this relates to the administration of elections as that authority was granted to State legislators via the U.S. Constitution as asserted in Paragraph 18 due to the Constitution delegating those rights to individual States.
21. Admitted

22. Admitted

### **THE PARTIES**

23. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 23.

24. Admitted.

25. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 25 as to the factual allegations.

26. Upon information and belief, Derrick Van Orden is not a plaintiff to this action. See <https://twitter.com/derrickvanorden?lang=en> (last accessed 5:02pm, 12/2/2020).

27. Upon information and belief, Derrick Van Orden is not a plaintiff to this action and therefore does not seek the remedy as represented. See

<https://twitter.com/derrickvanorden?lang=en> (last accessed 5:02pm, 12/2/2020).

28. Upon information and belief, Derrick Van Orden is not a plaintiff to this action. See <https://twitter.com/derrickvanorden?lang=en> (last accessed 5:02pm, 12/2/2020).

29. Admitted.

30. Admitted.

31. Admitted.

32. Admitted.

33. Admitted.

### **STATEMENT OF FACTS**

34. I deny that the cited United States Code provides the legal basis for contesting the election results as this subject matter has been reserved for individual States.

35. Admitted

36. Admitted

37. Admitted

38. Admitted

39. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 39. To the extent the plaintiffs seek a remedy of an independent audit and/or investigation, I concur.

#### **VIOLATIONS OF WISCONSIN ELECTION CODE**

40. Admitted

41. Admitted

42. Admitted

43. I contest the characterization of the word “belief” and “reliable information” being equivalent as portrayed. The guidance cited relates to “belief” not to “reliable information”.

44. I deny that the directive is inapposite to Wisconsin law.

45. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 45.

46. Admitted.

47. I deny that the guidance as provided nullified Wis. Stat. § 6.87(d). I further deny that this guidance was unlawful.

48. I deny that the guidance conflicts with the statute.

#### **EXPERT WITNESS TESTIMONY**

49. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 49.



50. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 50.
51. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 51.
52. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 52.
53. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 53.
54. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 54.
55. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 55.
56. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 56.
57. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 57.
58. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 58.
59. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 59.
60. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 60.



61. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 61.

62. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 62.

FACTUAL ALLEGATIONS REGARDING DOMINION VOTING SYSTEMS

63. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 63.

64. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 64.

65. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 65.

66. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 66.

67. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 67.

68. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 68.

69. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 69.

70. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 70.

71. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 71.

72. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 72.
73. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 73.
74. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 74.
75. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 75
76. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 76.
77. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 77.
78. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 78.
79. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 79.
80. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 80.
81. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 81.
82. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 82.

83. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 83.
84. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 84.
85. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 85.
86. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 86.
87. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 87.
88. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 88.
89. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 89.
90. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 90.
91. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 91.
92. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 92.
93. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 93.

94. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 94.
95. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 95.
96. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 96.
97. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 97.
98. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 98.
99. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 99.
100. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 100.
101. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 101

#### **COUNT I**

102. No response required.
103. Admitted.
104. Admitted.
105. Admitted.
106. I deny that the instances described violate the Wisconsin Election Code.

107. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 107.

108. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 108.

109. I deny that the plaintiffs have no remedy. Challenges to the election should be brought before the Wisconsin Courts, see Wis. Stat. § 9.01(6).

110. I deny the court has the authority to grant such an extreme remedy.

## **COUNT II**

111. No response required.

112. Admitted.

113. Admitted.

114. Admitted to the extent it is theoretical, denied if it is a factual allegation.

115. Admitted.

116. Denied.

117. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 117.

118. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 118.

119. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 119.

120. I admit the remedies requested would be proper if such violations existed.

121. I deny the plaintiffs have no remedy. Challenges to the election should be brought before the Wisconsin Courts, see Wis. Stat. § 9.01(6).

### COUNT III

- 122. No response required.
- 123. Admitted.
- 124. Admitted.
- 125. Admitted.
- 126. Admitted.
- 127. Admitted.
- 128. Admitted.
- 129. Admitted.
- 130. Denied.
- 131. I deny that the requested relief sought is proper. The remedy for the plaintiffs lies in Wis. Stat. § 9.01(6).

### COUNT IV

- 132. No response required.
- 133. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 133.
- 134. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 134.
- 135. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 135.
- 136. I lack sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 136.

137. Admitted.
138. I deny the plaintiffs have no remedy. Challenges to the election should be brought before the Wisconsin Courts, see Wis. Stat. § 9.01(6).
139. I deny that the requested relief sought is proper. The remedy for the plaintiffs lies in Wis. Stat. § 9.01(6).
140. I deny that the requested relief sought is proper. The remedy for the plaintiffs lies in Wis. Stat. § 9.01(6).
141. I deny that the requested relief sought is proper. The remedy for the plaintiffs lies in Wis. Stat. § 9.01(6).
142. I deny that the requested relief sought is proper. This is request seeks to discard my vote.
143. I deny that the requested relief sought is proper

#### **AFFIRMATIVE DEFENSES**

I assert the following affirmative defenses.

1. Plaintiffs lack standing to assert their claim.
2. Plaintiffs are not represented by the lawyers filing this action. See <https://twitter.com/derrickvanorden?lang=en> (last accessed 5:02pm, 12/2/2020).
3. The complaint fails to state a claim upon which relief be granted.
4. The court does not have jurisdiction over this action and the authority to grant the requested relief as it conflicts with the State's authority to regulate elections granted by the U.S. Constitution.

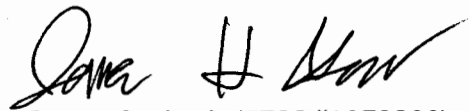


**MY REQUEST FOR RELIEF**

I request the court acts as follows:

1. Deny the plaintiffs request for wholesale disenfranchisement of Wisconsin voters and me specifically.
2. Dismiss the plaintiff's complaint with prejudice
3. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,



James Gesbeck (SBN #1079800)

608 335-2569

[James@Gesbeck.Com](mailto:James@Gesbeck.Com)

9302 Harvest Moon Lane

Verona, WI 53593

N.B.: Not admitted to practice before the United States District Court for the Eastern District of Wisconsin

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

WILLIAM FEEHAN,  
And DERRICK VAN ORDEN,

Plaintiff

v.

Wisconsin Elections Commission, *et al.*,

Defendants

U.S. DISTRICT COURT  
EASTERN DISTRICT - WI  
FILED

2020 DEC -3 A 11: 16

Case No. 20-cv-1771  
CLERK OF COURT

**CERTIFICATE OF SERVICE**

I, James Gesbeck, certify that I have sent a copying of the Motion to Intervene, Brief in Support of Motion to Intervene and Proposed Answer to the parties as follows electronically.

Further, I certify that I will be mailing a copy to each of the parties but am providing an electronic copy on December 2, 2020, so they have notice of the included motion timelier.

Attorneys for Plaintiff William Feehan and Derrick Van Orden:

[miked@michaelddeanllc.com](mailto:miked@michaelddeanllc.com)

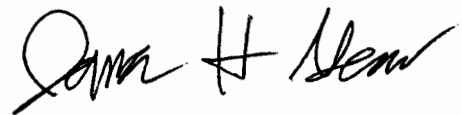
Defendant Wisconsin Election Commission and members:

[elections@wi.gov](mailto:elections@wi.gov)

Defendant Governor Tony Evers

[eversinfo@wisconsin.gov](mailto:eversinfo@wisconsin.gov)

Respectfully submitted,



James Gesbeck (SBN #1079800)

608 335-2569

[James@Gesbeck.Com](mailto:James@Gesbeck.Com)

9302 Harvest Moon Lane

Verona, WI 53593

N.B.: Not admitted to practice before the United States District Court for the Eastern District of Wisconsin